

PATENT
ATTORNEY DOCKET NO.: 040894-7191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Itaru HOMMA, et al.)	
)	
U.S. Application No.: 10/526,669)	Group Art Unit: Unassigned
)	
International Appln. Filing Date: September 3, 2003)	
)	
Date of National Stage Entry: March 4, 2005)	Examiner: Unassigned
)	
For: CARBON FINE POWDER COATED WITH)	
METAL OXIDE, METAL NITRIDE OR METAL)	
CARBIDE, PROCESS FOR PRODUCING THE SAME,)	
AND SUPERCAPACITOR AND SECONDARY)	
USING THE CARBON FINE POWDER)	

Commissioner of Patents
MAIL STOP PCT

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed August 31, 2005.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☒ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☒ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic National Stage Fee:				
\$300.00				300.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	26-20 =	6	\$50.00 each=	+\$300.00
Independent Claims	2- 3 =	0	\$200.00 each=	+\$
Multiple dependent claim(s), if any			\$360.00	+\$360.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee				
\$250.00 for each additional 50 sheets that exceeds 100				\$
Application Search Fee			\$500.00	\$
Examination Fee			\$200.00	\$
SUB-TOTAL =				\$790.00

Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))	\$130.00	130.00
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))	\$130.00	+\$0
TOTAL FILING FEE =		\$920.00

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$450.00	\$225.00
<input type="checkbox"/>	Three months	\$1,020.00	\$510.00
<input type="checkbox"/>	Four months	\$1,590.00	\$795.00
<input type="checkbox"/>	Five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:	Completion Fees	<u>\$920.00</u>
	Assignment Fees	<u>\$ 40.00</u>
	Total Fee Due	<u>\$960.00</u>

- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

10/31/2005 GFREY1 00000105 500310 10526669

01 FC:1615	300.00 DA
02 FC:1616	360.00 DA
03 FC:1617	130.00 DA
04 FC:1618	130.00 DA

- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- ☐ Form PCT/IPEA/409 (English Translation)
- ☐ Preliminary Amendment
- ☐ PCT/IB/338 English translation of the International preliminary Examination Report
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, documents as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell
Registration No. 41,040

Date: October 26, 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE

Rec'd PCT/PTO

26 OCT 2005
10n.
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/526,669	FIRST NAMED APPLICANT Itaru Homma	ATTY. DOCKET NO. 040894-7191
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INTERNATIONAL APPLICATION NO.

PCT/JP03/11252

LA. FILING DATE

09/03/2003

PRIORITY DATE

09/05/2002

09629

 MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004

CONFIRMATION NO. 3155

371 FORMALITIES LETTER

OC000000016822422

OC000000016822422

Date Mailed: 08/31/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/04/2005
- Copy of the International Search Report filed on 03/04/2005
- Information Disclosure Statements filed on 03/04/2005
- U.S. Basic National Fees filed on 03/04/2005
- Priority Documents filed on 03/04/2005

Docketed 9/2/05
 Case 40894-7191
 Due Date October 31, 2005
 Action Missing Requirement
 By G.D. On L/C

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

RECEIVED

SUMMARY OF FEES DUE:

SEP 02 2005

MORGAN, LEWIS & BOCKIUS LLP

Total additional fees required for this application is \$260 for a Large Entity:

- \$130 Surcharge.
- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/526,669	PCT/JP03/11252	040894-7191

FORM PCT/DO/EO/905 (371 Formalities Notice)